IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4239 OF 2006

Madhukar Bapurao Bhalerao .. Applicant
Versus
State of Maharashtra .. Respondent

Mr.Naveen Chomal for applicant
Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 11th December 2006

P.C.

. Mr.Chomal states that the only objection raised during the course of hearing of Anticipatory Bail application before Additional SEssions Jude was that as a Director, applicant misused his post and got the loans sanctioned in favour of Godavari Transport Services to the tune of Rs.9,56,923/-. Further a loan of Rs.1,22,137/- for his brother in law was also sanctioned during applicant’s tenure as Director.

2. However, Mr.Chomal states that both loans have been repaid and such repayment is prior to the Administrator stepping in. There is certificate issued evidencing that there is nothing due from both entities. The above fact is not disputed by learned A.P.P. and he has instructions to state that loans have been paid off. In such circumstances, applicant deserves to be granted pre-arrest bail. Hence, following order:-

i) In the event of the arrest of the applicant in connection with C.R.No.271 of 2006 registered with Panchavati Police Station now transferred to EOW, Crime Branch the applicant shall be enlarged on bail in the sum of Rs.50,000/- with one or two sureties in the like amount.

ii) The bail is granted subject to condition that the applicant to forthwith surrender his passport, if any, to the I.O. Applicant shall not leave Nashik city without prior permission of trial court. The applicant shall report to E.O.W.Crime Branch, Nashik once a week on every Monday between 11.00 a.m. and 1.00 p.m. till the charge sheet is filed and thereafter as directed by the trial court till conclusion of trial.

iii) Bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the police officer/ investigating agency. The applicant

shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial

v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)